

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,223,871

APPLICATION NO.: 10/537,177

ISSUE DATE : May 29, 2007

INVENTOR(S) : Paivi JUUJARVI, Seppo PARHI and Jaana KARJALAINEN

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE CLAIMS:

Claim 4, Col. 8, line 43, change "40° C." to -- 40° C --.

Claim 12, Col. 10, line 17, change "--CH₂—R is" to
-- —CH₂—, R is --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

James C. Lydon
100 Daingerfield Road, Suite 100
Alexandria, VA 22314

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,223,871

Inventors: Paivi JUUJARVI et al.

Serial No.: 10/537,177

Issued: May 29, 2007

For: PROCESS FOR PREPARING SUBSTITUTED IMIDAZOLE DERIVATIVES
AND INTERMEDIATES USED IN THE PROCESS

**REQUEST FOR EXPEDITED ISSUANCE OF CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. § 1.322 AND MPEP § 1480.01**

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 15, 2008

Sir:

The patentees request a Certificate of Correction to correct two errors noted in the printed patent. A Form PTO-1050 listing each error is attached.

Each listed error is a Patent Office mistake, as demonstrated by the attached documentation:

Claim 4: A copy of the last Amendment, filed January 25, 2007, showing the correct language of patent claim 4 (application claim 4).

Claim 12: A copy of the January 25, 2007 Amendment, showing the correct language of patent claim 12 (application claim 12).

Expedited grant of an appropriate Certificate of Correction is requested pursuant to M.P.E.P. § 1480.01.

U.S. Patent No. 7,223,871
REQUEST FOR CERTIFICATE OF CORRECTION

PATENT

It is not believed any fee is required for issuance of a Certificate of Correction. Nevertheless, the Patent Office is authorized to charge any required fee to our Deposit Account No. 50-1258.

Respectfully submitted,

/James C. Lydon/

James C. Lydon
Reg. No. 30,082

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Attachments:

Form PTO-1050
Amendment filed January 25, 2007 (Copy)

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JAN 25 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Päivi JUUJÄRVI et al.

Serial Number: 10/537,177

Group Art Unit: 1626

Filed: June 1, 2005

Examiner: Cheng, Karen

For: PROCESS FOR PREPARING SUBSTITUTED IMIDAZOLE DERIVATIVES
AND INTERMEDIATES USED IN THE PROCESS

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 25, 2007

Sir:

In response to the Official Action mailed October 25, 2006,
please amend this application as follows:

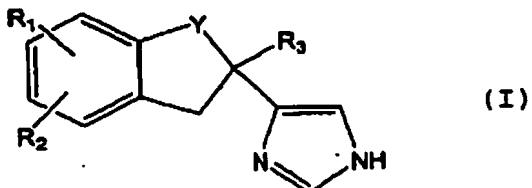
Appln. S.N. 10/537.177
AMENDMENT

PATENT

IN THE CLAIMS:

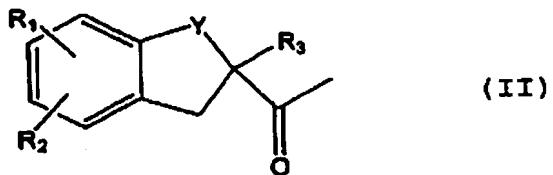
Please amend claims 1, 8 and 11, as shown below in the detailed listing of all claims which are, or were, in this application:

1. (Currently amended) A process for preparing substituted imidazole derivatives compounds of formula (I) and acid addition salts thereof

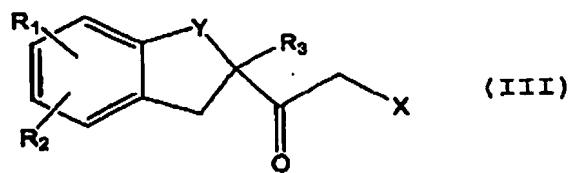


in which formula Y is $-\text{CH}_2-$ or $-\text{CO}-$, R₁ is H, halogen or hydroxy, R₂ is H or halogen and R₃ is H or lower alkyl, comprising the steps of

a) halogenating a compound of formula (II)



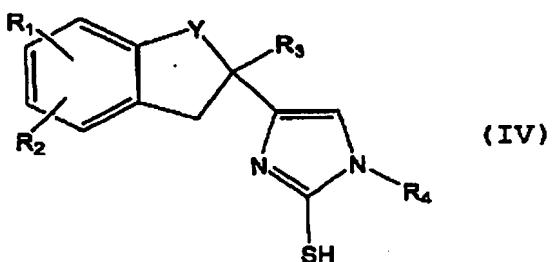
wherein Y, R₁, R₂ and R₃ are as defined above, to obtain a compound of formula (III)



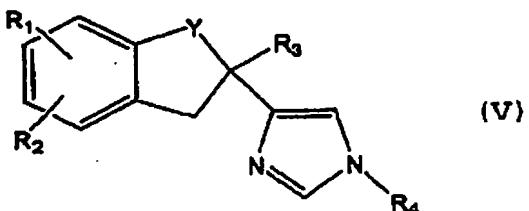
Appln. S.N. 10/537,177
AMENDMENT

PATENT

wherein Y, R₁, R₂ and R₃ are as defined above and X is halogen,
b) reacting the compound of formula (III) thus obtained with an
amine of formula R₄NH₂, wherein R₄ is an ~~easily removable~~ leaving
alkyl group, and an alkali metal thiocyanate, to obtain a
compound of formula (IV)



wherein Y, R₁, R₂, R₃ and R₄ are as defined above,
c) removing the mercapto group from the compound of formula (IV) to
obtain a compound of formula (V)



wherein Y, R₁, R₂, R₃ and R₄ are as defined above,
d) removing the group R₄ from the compound of formula (V) to obtain
a compound of formula (I), and, if desired,

Appln. S.N. 10/537,177

PATENT

AMENDMENT

e) converting the resulting compound of formula (I) into an acid addition salt thereof.

2. (Original) A process according to claim 1 wherein step a) is carried by reacting a compound of formula (II) with Br₂ in methanol at a temperature of -8 to +25 °C.

3. (Previously presented) A process according to claim 1 wherein step b) is carried out by reacting a compound of formula (III) with benzylamine and potassium thiocyanate.

4. (Previously presented) A process according to claim 1 wherein step c) is carried out in the presence of Raney-Nickel at a temperature of 40 °C to 90 °C.

5. (Previously presented) A process according to claim 1 wherein step d) is carried out by using ammonium formate in the presence of Pd/C.

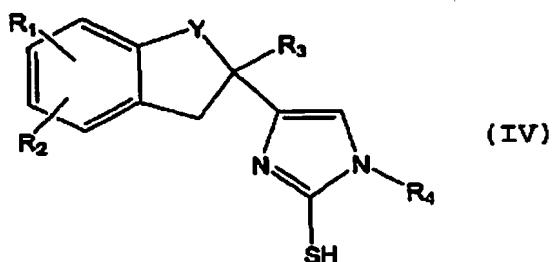
6. (Previously presented) A process according to claim 1 wherein step d) is carried out by hydrogenation in the presence of Pd/C.

Appln. S.N. 10/537,177
AMENDMENT

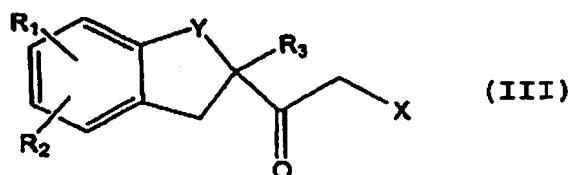
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7. (Previously presented) A process according to claim 1 wherein Y is $-\text{CH}_2-$, R_1 is F, R_2 is H and R_3 is ethyl.

8. (Currently amended) A process for preparing a compound of formula (IV)



wherein Y is $-\text{CH}_2-$ or $-\text{CO}-$, R_1 is H, halogen or hydroxy, R_2 is H or halogen and R_3 is H or lower alkyl, comprising reacting a compound of formula (III)



wherein Y, R_1 , R_2 and R_3 are as defined above and X is halogen, with an amine of formula R_4NH_2 , wherein R_4 is an easily removable leaving aralkyl group, and an alkali metal thiocyanate.

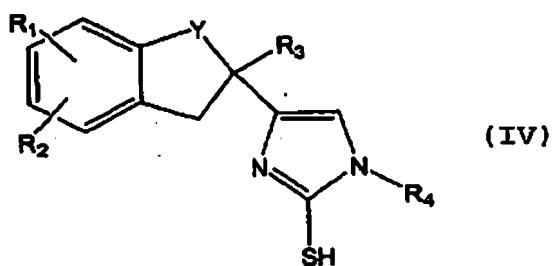
Appln. S.N. 10/537,177
AMENDMENT

PATENT

9. (Original) A process according to claim 8 comprising reacting a compound of formula (III) with benzylamine and potassium thiocyanate.

10. (Previously presented) A process according to claim 8 wherein Y is $-\text{CH}_2-$, R_1 is F, R_2 is H and R_3 is ethyl.

11. (Currently amended) A compound of formula (IV)



wherein Y is $-\text{CH}_2-$ or $-\text{CO}-$, R_1 is halogen or hydroxy, R_2 is H or halogen, R_3 is H or lower alkyl and R_4 is an easily removable leaving aralkyl group.

12. (Original) A compound according to claim 11 wherein Y is $-\text{CH}_2-$, R_1 is F, R_2 is H, R_3 is ethyl and R_4 is benzyl.

Appln. S.N. 10/537,177
AMENDMENT

PATENT

REMARKS

This Amendment amends claims 1, 8 and 11. Page 5, lines 8-9 support the definition of R₄ as --aralkyl--. Claims 1-12 are pending.

Examiner Cheng is thanked for acknowledging the Applicants' Finnish priority claim. However, an English translation of the priority document is not required unless one of the three situations listed in 37 C.F.R. § 1.55(a)(4)(i) are present. None of those situations are present in this application.

This Amendment overcomes the 35 U.S.C. § 112, first paragraph, rejection of claims 1-12. Claims 1, 8 and 11 have been amended by defining R₄ as --aralkyl--. The specification enables one of ordinary skill to practice the claimed process, and make and use the claimed compound, without undue experimentation, particularly in view of page 4, lines 20-26 and the illustrative use of benzylamine in the Examples. Reconsideration and withdrawal of the non-enablement rejection of claims 1-12 are earnestly requested.

This Amendment overcomes the 35 U.S.C. § 112, first paragraph, rejection of claims 1-7 for failure to comply with the written description requirement. The preamble of claim 1 has been amended in accordance with the Examiner's helpful suggestion.

Appln. S.N. 10/537,177

PATENT

AMENDMENT

Reconsideration and withdrawal of the written description rejection of claims 1-7 are earnestly requested.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 1-12. As discussed above, claims 1, 8 and 11 now define R₁ as --aralkyl--, which is itself defined at page 4, lines 20-26 of the specification. One of ordinary skill in the art would readily understand the metes and bounds of the claimed process and compound. Reconsideration and withdrawal of the indefiniteness rejection of claims 1-12 are earnestly requested.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 1-7. The preamble of claim 1 has been amended in accordance with the Examiner's helpful suggestion. Reconsideration and withdrawal of the indefiniteness rejection of claims 1-7 are earnestly requested.

This Amendment overcomes the objection to claim 1, which has been amended in accordance with the Examiner's helpful suggestion. Reconsideration and withdrawal of the objection to claim 1 are earnestly requested.

The objection to the specification is respectfully traversed. The format set forth in 37 C.F.R. § 1.77(b) is merely preferred.

Appln. S.N. 10/537,177

PATENT

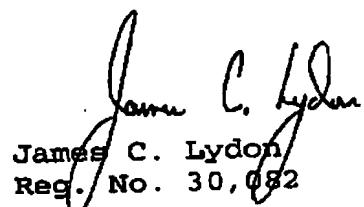
AMENDMENT

and not mandatory. Reconsideration and withdrawal of the objection to the specification are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-12, and issuance of a Notice of Allowance directed to those claims, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,



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